

ASSEMBLY BILL

No. 2039

Introduced by Assembly Member Arambula

February 15, 2008

An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2039, as introduced, Arambula. Department of Motor Vehicles: records.

Existing law makes confidential the home address of any of a list of state officers and employees that appears in the Department of Motor Vehicles records, if the officer or employee requests it be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law provides that the home address shall be withheld from public inspection for 3 years following termination of office or employment, except with respect to retired peace officers, whose home addresses shall be withheld from public inspection permanently upon request.

This bill would revise that provision and allow inspection of the home address, until any reinstatement to an office or employment, if the termination of office or employment is the result of conviction of a criminal offense or related to the filing of a criminal complaint.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1808.4 of the Vehicle Code is amended to read:

1808.4. (a) The home address of any of the following persons, that appears in any record of the department, is confidential; if the person requests the confidentiality of that information:

- (1) Attorney General.
- (2) State public defender.
- (3) Members of the Legislature.
- (4) Judges or court commissioners.
- (5) District attorneys.
- (6) Public defenders.
- (7) Attorneys employed by the Department of Justice, the office of the State Public Defender, or a county office of the district attorney or public defender.
- (8) City attorneys and attorneys who submit verification from their public employer that they represent the city in matters that routinely place them in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts, if those attorneys are employed by city attorneys.
- (9) Nonsworn police dispatchers.
- (10) Child abuse investigators or social workers, working in child protective services within a social services department.
- (11) Active or retired peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.
- (12) Employees of the Department of Corrections, the Department of the Youth Authority, or the Prison Industry Authority specified in Sections 20403 and 20405 of the Government Code.
- (13) Nonsworn employees of a city police department, a county sheriff's office, the Department of the California Highway Patrol, federal, state, and local detention facilities, and local juvenile halls, camps, ranches, and homes, who submit agency verification that, in the normal course of their employment, they control or supervise inmates or are required to have a prisoner in their care or custody.
- (14) County counsels assigned to child abuse cases.
- (15) Investigators employed by the Department of Justice, a county district attorney, or a county public defender.

1 (16) Members of a city council.

2 (17) Members of a board of supervisors.

3 (18) Federal prosecutors and criminal investigators and National
4 Park Service Rangers working in this state.

5 (19) Any active or retired city enforcement officer engaged in
6 the enforcement of the Vehicle Code or municipal parking
7 ordinances.

8 (20) Any employee of a trial court.

9 (21) Any psychiatric social worker employed by a county.

10 (22) Any police or sheriff department employee designated by
11 the Chief of Police of the department or the sheriff of the county
12 as being in a sensitive position. Any designation pursuant to this
13 paragraph shall, for purposes of this section, remain in effect for
14 three years subject to additional designations that, for purposes of
15 this section, shall remain in effect for additional three-year periods.

16 (23) State employees in the following classifications:

17 (A) Licensing Registration Examiner, Department of Motor
18 Vehicles.

19 (B) Motor Carrier Specialist 1, California Highway Patrol.

20 (C) Museum Security Officer and Supervising Museum Security
21 Officer.

22 (24) (A) The spouse or child of any person listed in paragraphs
23 (1) to (23), inclusive, regardless of the spouse's or child's place
24 of residence.

25 (B) The surviving spouse or child of a peace officer, as defined
26 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
27 2 of the Penal Code, if the peace officer died in the line of duty.

28 (b) The confidential home address of any of the persons listed
29 in subdivision (a) shall not be disclosed to any person, except for
30 any of the following:

31 (1) A court.

32 (2) A law enforcement agency.

33 (3) The State Board of Equalization.

34 (4) An attorney in a civil or criminal action that demonstrates
35 to a court the need for the home address, if the disclosure is made
36 pursuant to a subpoena.

37 (5) Any governmental agency to which, under any provision of
38 law, information is required to be furnished from records
39 maintained by the department.

1 (c) (1) Any record of the department containing a confidential
2 home address shall be open to public inspection, as provided in
3 Section 1808; if the address is completely obliterated or otherwise
4 removed from the record. ~~The home address shall be withheld~~

5 (2) *Following termination of office or employment, a*
6 *confidential home address shall be withheld from public inspection*
7 *for three years following termination of office or employment*
8 ~~except, unless the termination is the result of conviction of a~~
9 ~~criminal offense or the filing of a criminal complaint. Upon~~
10 ~~reinstatement to an office or employment, the protections of this~~
11 ~~section are available. with~~

12 (3) *With respect to retired peace officers, whose their home*
13 *addresses shall be withheld from public inspection permanently*
14 *upon request of confidentiality at the time the information would*
15 *otherwise be opened. The home address of the surviving spouse*
16 *or child listed in subparagraph (B) of paragraph (24) of subdivision*
17 *(a) shall be withheld from public inspection for three years*
18 *following the death of the peace officer. The*

19 (4) *The department shall inform any person who requests a*
20 *confidential home address what agency the individual whose*
21 *address was requested is employed by or the court at which the*
22 *judge or court commissioner presides.*

23 (d) A violation of subdivision (a) by the disclosure of the
24 confidential home address of a peace officer, as specified in
25 paragraph (11) of subdivision (a), a nonsworn employee of the
26 city police department or county sheriff's office, or the spouses or
27 children of these persons, including, but not limited to, the
28 surviving spouse or child listed in subparagraph (B) of paragraph
29 (24) of subdivision (a), that results in bodily injury to the peace
30 officer, employee of the city police department or county sheriff's
31 office, or the spouses or children of these persons is a felony.